

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.334 of 2000

Kalema Tumba	Petitioner
Vs.	
State of Maharashtra	Respondent

Mr.A.S.Shitole, APP for State.

Mr.A.P.Mundargi, Sr.Counsel with Mr.Ganesh Gole
appearing for fMr. A.M.Sachwani.

CORAM: B.H.MARLAPALLE, J.

July 31, 2007.

P.C.

. Subsequent to the order passed on 10/7/2007,

Mr. Anand M. Sachwani, Advocate has filed an affidavit. Mr.Mundargi, the learned Senior Counsel appears for him. It has been stated in the affidavit that the affiant had appeared for the petitioner only on one occasion when the petitioner was arrested in the year 1991 and had filed a retraction statement before the Metropolitan Magistrate's Court at Esplanade, Mumbai. It is further stated that the petitioner was represented by some other Advocate in the trial and Mr.Sachwani was not the Advocate conducting the trial against the petitioner. He has also pointed out the allegation made by the petitioner regarding necklace to have been handed over to Mr.Sachwani and has vehemently denied the

same.

. This petition involves disputes questions of fact which cannot be gone into in the writ petition. Even otherwise the petitioner has undergone the sentence period as on 3/1/2001 and he being a foreign national, must have left the country.

. The petition is rejected.

(B.H.MARL